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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,018	08/19/1999	FRED S. COOK	1235	8623

28004 7590 06/22/2004

SPRINT
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KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/378,018

Applicant(s)

COOK, FRED S.

Examiner

Alain L. Bashore

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-40, 43-50 and 53-57 is/are pending in the application.
- 4a) Of the above claim(s) 29-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-40, 43-50, and 53-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>25</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to After-final Arguments

1. The advisory action dated 4-20-24 is withdrawn and a new response to applicant's after-final arguments is hereby made. Applicant's arguments, filed 3-24-04, with respect to the rejection(s) of claim(s) of record have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn and the after-final paper of 3-24-04 is hereby entered. However, upon further consideration, a new ground(s) of rejection is made as described below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 38-40, 43-47 are rejected under 35 U.S.C. 101 as non-statutory because the method claims as presented do not claim a technological basis. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the preamble and body of the claim structural / functional interrelationships that are solely by computer (and non-trivial) are considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential].

None of the recitations: "communications service event", "communication system", "financial bank card network", "devices", and "forced post request" are solely by computer.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 38-40, 43-46, 48-50, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al in view of Dickerman et al in further view of Block et al.

Voit et al discloses receiving a plurality of communications service events (col 4, lines 60-67; col 5, lines 1-17). A determination that a service event is complete is made (col 6, lines 47-49) and if the event is complete, the actual cost is determined and formatting a first post request for the actual cost to charge the customer for the event (col 6, lines 47-55). A plurality of service events and associated costs are accumulated and a second forced post request for credit/surcharge is determined and made (col 6, lines 55-59).

Voit et al does not disclose:

charging the first and second forced post requests over a financial bank card network;

converting communication service events in a protocol native to devices in the communications system;

converting communication service events into a bank card format;

if the communications service event is not complete, then determining an estimated cost of the communications service event, formatting a pre-authorization and hold request over the financial bank card network; and,

actual costs of the service event to include tariffing and taxing the communications service event.

Dickerman et al discloses converting the event format (e.g., from UDP/IP to X.25 protocol; e.g., column 7, line 10 et seq), and transferring the formatted events to a financial bank card network (e.g., column 2, line 65 et seq; column 7, line 37 et seq). A communication system protocol and bank card format (e.g., column 2, line 65 et seq) are also disclosed.

It would have been obvious to one with ordinary skill in the art to modify the method to Voit et al to include charging the first and second forced post requests over a

Art Unit: 3624

financial bank card network because Dickerman et al teaches that telecommunications network services are billed to a customer (col 1, lines 25-35) and customers may pay by credit cards (col 1, lines 60-65).

It would have been obvious to one with ordinary skill in the art to modify the method to Voit et al to include converting communication service events in a protocol native to devices in the communications system because Dickerman et al teaches that financial processors require gateway access for functionality purposes (col 7, lines 8-11).

It would have been obvious to one with ordinary skill in the art to modify the method to Voit et al to include converting communication service events into a bank card format because Dickerman et al teaches format usage for card transactions (col 3, lines 50-61).

Block et al discloses that if the communications service event is not complete, then determining an estimated cost of the communications service event (col 11, lines 18-28), formatting a pre-authorization and hold request over the financial bank card network (col 9, lines 60-65). Block et al further discloses actual costs of the service event, to include tariffing and taxing the communications service event (col 6, lines 26-44).

It would have been obvious to one with ordinary skill in the art to include that if the communications service event is not complete, then determining an estimated cost of the communications service event, formatting a pre-authorization and hold request over the financial bank card network because Block et al teaches as useful real-time billing (col 1, lines 45-67; col 2, lines 45-55) and the importance of good account standing as known in the prior art (col 2, lines 35-39).

It would have been obvious to one with ordinary skill in the art to modify the method to Voit et al to include determining actual costs of the service event, to include tariffing and taxing the communications service event because Block et al teaches the importance of accurate telecommunications billing (cil 1, lines 9-67; col 2, lines 1-61).

6. Claims 47 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al in view of Dickerman et al as applied to claims above, and further in view of the Admitted Prior Art (pages 8, lines 8-11).

Dickerman et al disclose a method for providing an interface between financial and communication networks/systems, including conversion to a bank card format (e.g., column 3, line 41 et seq; column 7, line 23 et seq).

To the extent that Dickerman et al do not disclose inherently a particular bank card format, the Admitted Prior Art discloses that Visa I, Visa II, ASPDH, and SET are well-known formats used in the bank card processing industry.

It would have been obvious to one with ordinary skill in the art to include converting communications service event data into Visa I, Visa II, ASPDH, or SET formats because it provides an improved interface and gateway for conversion of communications event data into well-known bank card processing formats for use in a financial processing network (e.g., Dickerman et al, column 2, line 7 et seq; column 2, line 30 et seq; column 2, line 65 et seq).

Response to Arguments

5. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore